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A-68944

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

STUART J. KNOWLES ET AL.

Serial No. 09/615,294

Filed: July 13, 2000

For: METHOD OF MANUFACTURING A
TUNING FORK WITH REDUCED
QUADRATURE ERROR AND
SYMMETRICAL MASS BALANCING

Examiner:

Anthony Dexter Tugbang

Group Art Unit 3729

Confirmation No. 4777

June 26, 2008

APPLICATION FOR PATENT TERM ADJUSTMENTCommissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

03/24/2009 CKHLOK 00000011 502975 09615294

01 FC:1455 200.00 DA

Sir:

Pursuant to 37 CFR 1.705(b), applicant requests reconsideration of the patent term adjustment indicated in the notice of allowance and reinstatement of all or part of the term reduced pursuant to 37 CFR 1.704(b).

Facts

The Patent Term Adjustment History (Exhibit A) contains a number of errors and inaccuracies which have resulted in an incorrect and improper reduction of the patent term adjustment.

The most significant such error is the 454 days that were charged against applicant for delay in responding to a non-final action mailed November 18, 2002. A timely response to that action was filed by mail with a certificate of mailing (Exhibit B) on February 14, 2003, and the return postcard submitted with the response (Exhibit C) shows that it was received in the Patent Office Mail Room on February 24, 2003. The PTA History is incorrect in showing that response as not having been filed until May 17, 2004, and the 454 days should not have been charged to applicant.

Applicant was also incorrectly charged for a delay of 39 days in responding to a non-final rejection mailed September 14, 2001. A timely response to that action was filed by mail with a certificate of mailing (Exhibit D) on December 14, 2001, although it was apparently not processed in the Patent Office Mail Room until January 22, 2002.

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February 14, 2003, plus 431 additional days for the delay due to appellate review,¹ plus 152 days for the failure to issue a patent within three years,² a total of 1629 days.³

Applicant Delay Days

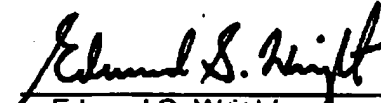
Although applicant believes that there were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of the application as set forth in 37 CFR 1.704, the correction requested in the applicant delay days is the 521 days included in the notice of allowance, minus only the 454 days for the response filed February 14, 2003, and the 39 days for the response filed December 14, 2001, leaving a total of 28 days of delay charged to applicant.

Conclusion

With 1629 Patent Office delay days and 28 applicant delay days, it is respectfully submitted that the patent term should be extended by a period of 1601 days.

The Commissioner is authorized to charge any fees required in this matter to Deposit Account 50-2975, Order No. A-68944.

Respectfully submitted,


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¹1061 days minus the 631 days included in the original calculation.

²1213 days minus the 1061 days of appellate review.

³Even with only 631 days of appellate delay as in the original calculation, the total Patent Office delay would still be 1629 days because the adjustment for failure to issue a patent within three years would be decreased by only the 631 days rather than 1031 for the appellate delay.